

# The Village of Northfield

## REGULAR COUNCIL MEETING

February 14, 2018

The meeting was called to order by Mayor Nehez at 7:30 p.m.

The Pledge of Allegiance was led by Mayor Nehez.

**ROLL CALL** was read by Ms. Ingrassia. The following officials were present: Mayor Nehez, Councilpersons Nick Magistrelli, Keith Czerr, Jenn Domzalski, Alan Hipps, Renell Noack, and Gary Vojtush. Also present were Law Director Brad Bryan, Engineer Rich Wasosky, and Fire Lieutenant Joe Zemek.

### **APPROVAL OF THE MINUTES:**

A motion to approve the Minutes of the January 24, 2018 Council Meeting was made by Ms. Noack and seconded by Mr. Magistrelli. All were in favor of approval of the Minutes from the January 24, 2018 Council Meeting. The minutes were approved.

### **PRESENTATION OF PETITIONS, MEMORIALS, AND REMONSTRANCES:**

Bill Wilk of Simple Recycling gave a presentation about his company and the curbside collection of soft recyclables. Mr. Wilk's Company is offering to give the Village one penny per pound of soft recyclables collection. The Village would receive a monthly account of how much weight was picked up and a check. There is no cost to the Village or the residents for the service. Mayor Nehez asked what communities the company presently services. Mr. Wilk stated Akron, Cuyahoga Falls, Tallmadge, Monroe Falls, Norton, Richfield, Bay Village, Westlake, North Olmsted, Olmsted Falls, Cincinnati, Houston, Dallas, Minneapolis, and Detroit. Mr. Wilk stated he would provide a complete list later in the week. Mr. Bryan questioned how much notice would be needed if the Village decided to proceed. Mr. Wilk stated approximately six to seven weeks. Information was left by Mr. Wilk. Mayor Nehez asked if residents needed to pick up bags or whether they would be mailed. Mr. Wilk stated they would initially be provided by mail or by delivery. If residents leave out two bags, the company will attach two more bags to the Rumpke can. Mr. Hipps asked, on average, how many pounds are collected in a community the size of two thousand residents. Mr. Wilk stated approximately two to three thousand pounds per month.

Mr. Vojtush requested a moment of silence in honor of Mayor Nehez's grandmother's passing.

### **REPORTS OF MUNICIPAL OFFICERS:**

**Mayor Jesse Nehez** – Mayor Nehez stated he has nothing at this time.

**Finance Director, Tricia Ingrassia** – Ms. Ingrassia stated since the last meeting, a list of questions was presented for clarification by the Regional Income Tax Agency (RITA) regarding Council's action to waive both penalties and interest for residents at the Regular Council Meeting of January 24, 2018. The questions from RITA are as follows, along with the Council's responses.

**Question: Are we offering abatements to only those that can pay their balance in full, or are we also offering abatements to those on payment plans?**

Determination of Council: Both those on payment plans and those that pay the balance in full. The taxes must be paid in full by December 31, 2018 if the taxpayer is on a payment plan. If the taxpayer defaults, both penalties and interest should be re-imposed.

**Question: Are we offering abatements to legal accounts?**

Determination of Council: Yes

**Question: Are the accounts required to have all delinquent returns filed prior to receiving abatement?**

Determination of Council: Yes. The taxpayer will have until December 31, 2018 to bring his or her account up to date for filing and paying. If they have not complied with the filing of all returns, they are not eligible to receive a penalty and interest abatement. Council deemed penalties and interest should not be applied on current year estimates as long as they make their tax payments by the annual filing deadline.

**Question: Are taxpayers aware of this offer?**

Determination of Council: This offer will be posted on the website.

**Question: Does this offer apply to tax years 2016 and prior regardless of how the return was obtained?**

Determination of Council: Yes.

**Question: What if a taxpayer pays the penalties and interest with a bill or online?**

Determination of Council: If a refund is requested, it must be refunded.

**Question: How long will this offer last?**

Determination of Council: All unpaid taxes must be paid in full by December 31, 2018.

**Question: Are we abating all types of penalties and interest?**

Determination of Council: The offer applies to individual taxpayers only for all penalties and interest associated with tax years collected under the former agency. It is not applicable to businesses and net profit returns.

**Question: Do you want RITA to suspend charging penalties and interest automatically?**

Determination of Council: Only for tax years 2016 and earlier and only for those persons that have filed returns for those years.

A Motion to accept these determinations was made by Ms. Domzalski and seconded by Mr. Vojtush. All were in favor of the motion, none opposed.

Ms. Ingrassia discussed the transfers contained in Resolution 2018-15.

Ms. Ingrassia will have the month end reports at the February 28, 2018 meeting.

**Engineer, Rich Wasosky** – Report attached.

Regarding a requested new traffic signal at the corner of Magnolia Avenue and State Route 8, Ms. Domzalski stated her concern is if a signal was warranted on one of the streets that it creates a cut through creating more traffic. Ms. Domzalski explained it is a danger to the children because there are no sidewalks on those streets, and the children ride their bikes on the streets and play outside. Ms. Domzalski stated children would be in danger with more traffic flow on the street trying to save time at the light. Mr. Czerr stated what about the kids on Houghton. Mr. Hipps explained they have a sidewalk they can ride their bikes on. Mr. Czerr stated they can't ride their bikes on the sidewalk. Mr. Hipps stated they can, because the police officers do not ticket for riding bikes on the sidewalk. They actually prefer it. That way, they are safe and out of traffic.

Mr. Czerr stated there is no need to spend money on a traffic study; the traffic on Heights, Magnolia, and Summit is not the problem. It's the traffic on Route 8. Mr. Wasosky discussed that Houghton Rd could justify a signal, and that signal was justified in 2012 before the Rocksino came into existence. Mr. Wasosky explained if you can't justify one of the eleven warrants, personal feelings for the signal are irrelevant; you will not get a signal. Mr. Wasosky stated there was a signal on Heights Ave in the early 1980's, and the signal was taken down because there wasn't enough traffic and it wasn't warranted. Mr. Czerr stated you can't use the Northfield Plaza signal. Ms. Ingrassia replied that she uses the signal every day. Mr. Czerr stated that it was illegal. Ms. Ingrassia stated there's no signage. Ms. Ingrassia explained that Mr. Walters had made a comment to her about cutting through the Plaza at one point. Ms. Ingrassia inquired about it with the Police Department, and Chief Zolagus stated you can actually use the Plaza signal because there is not a sign prohibiting cutting through the Plaza. Mr. Czerr stated that wasn't his point.

Mr. Czerr discussed that the traffic on the side of the Plaza can use that light, but his point is if you put the signal on Magnolia or Heights, it's going to stop the flow of traffic, allowing the traffic turning from Houghton to be able to get out. Mr. Czerr stated everyone would be able to do what they need to do. Mr. Czerr stated it is common sense. Ms. Domzalski explained that in order to have the signal, the Village would need to be able to justify why the money would be spent. Ms. Domzalski stated the Village just can't put it in themselves, and they would need a study to justify the signal that Mr. Czerr wants. Mr. Bryan stated that permission is needed from ODOT. Ms. Domzalski said it's a waste of money, and the money for the study could be spent on things that were needed. Mr. Hipps stated there's not a heavy enough traffic flow on Magnolia to warrant the signal. Mr. Hipps stated that Houghton Rd connects two communities, and you are getting inflow traffic from another corridor. Mr. Czerr insisted that moving the signal to Heights would be more beneficial and make common sense. Mr. Hipps stated it wasn't warranted, and the ODOT standards do not go off of common sense. Mr. Vojtush stated the only signal that is for west bound traffic is at Ledge Rd and Route 8. All the other signals affect traffic coming from the west and traveling east. Mr. Wasosky stated there is not enough traffic volume on the side streets for the warrants. Mr. Wasosky stated there are national warrant rules, not only state ones, and the numbers have to be produced and a permit is required for each signal from ODOT. Mr. Wasosky explained he was state certified and has experience with traffic signals. They will never be warranted in the location suggested by Mr. Czerr. Mr. Czerr stated he wanted a new traffic study. Mr. Wasosky stated he didn't want to waste the Village's money on a study that wasn't needed. Mr. Czerr stated he will review the study that was already done.

Mr. Wasosky stated he did not see any reason for the Village to pay \$500 toward the Brandywine Watershed Memorandum of Agreement. Ms. Noack asked if the study could be used later to help get money for the Ledge Road retention basin. Mr. Wasosky stated he had a meeting with the woman handling it, and at this time, Macedonia, who would be a bigger recipient of aid, has not joined. The Village is the smallest community in the Brandywine Creek area. Mr. Wasosky stated the Village would be subsidizing the larger communities, who really stand to gain something from this agreement. Mr. Wasosky stated it was up to Council and the Mayor, but he doesn't see the point of the Village contributing Village dollars toward those efforts.

Mr. Vojtush asked if the underground retention basin for Ledge Rd was something that was needed or was just optional. Mr. Wasosky stated the project involves adding a sidewalk in front of the houses from Milford to Sheffield Steel and increasing the storm water flow that the Village can be held responsible for. Mr. Vojtush stated he thought it didn't have to be done, but thought the Village was going to do that to help alleviate the flow. Mr. Wasosky said he is still discussing the matter with the appropriate officials.

Ms. Domzalski recommended getting in touch with the high school for community service hours to help with putting stickers on the basins. She stated we should see if anyone in the community would like to volunteer as well.

Mr. Wasosky stated a rain barrel needs to be purchased, and he would speak with Mr. Walters about it.

Mr. Wasosky stated ODOT got back to him about the flooding on State Route 8 between Maple and Beech, and ODOT claims all the flooding is due to the undersized sewer system. Mr. Wasosky stated the small catch basin opening is a cause as well, since the water can't get in the window as easily. Mr. Wasosky spoke with Mr. Walters about it the last time it flooded, and it wasn't totally surcharged. Decreasing the hole from a seven inch normal opening to a one inch opening makes a difference. Mr. Wasosky stated ODOT sent him paperwork as to how it is not responsible, but would help grind the window area out. Mayor Nehez asked if the window areas were grinded out, would the Village be responsible for anything else that happened to the pavement. Mr. Wasosky replied yes; ODOT made that very clear that if something went wrong, the Village was responsible.

Mr. Czerr asked how many layers of asphalt were in the window. Mr. Wasosky replied two lifts, three and half inches. Mr. Czerr stated he measured it himself, and leaves get caught and the water goes over the top of the window and goes into the stores. Mr. Czerr stated the owner of the flower shop showed him a video from the last rainfall and questioned if it could be raised somehow. Mr. Wasosky stated there are two problems: the first issue is the existing storm surge system is undersized, and the second is the window. Mr. Wasosky explained the State has offered to grind the window, but the four inch pipe below gets surged and everything that it ties into backs up. The former owner was advised to disconnect that pipe and take a separate pipe into the ditch so he wouldn't have the back up there. He was also advised to put in a bigger trench drain.

Mayor Nehez asked what the worst outcome is if they grind that pavement out. Mr. Wasosky replied it can crack, and the Village would be responsible for fixing it. Mr. Czerr stated that the State should be held responsible for any repairs because they repaved that area over and over again. Mr. Czerr asked whether the flooding is the Village's fault. Ms. Domzalski replied the property owner's insurance company is responsible. Mr. Wasosky replied that the sidewalk and the drainage is the responsibility of the Village, and he could provide a State memorandum on State highways for everyone if they would like that states ODOT has no responsibility for

those issues. Mr. Wasosky discussed it was pointed out to the State in 1983, before the state widened Route 8, that the openings were seven inch openings. When they did the roadway this time, they milled it and put back 3 inches of asphalt so the roadway would be level, which essentially left four inch openings in the windows. Mr. Wasosky stated it was accepted by the State engineers. Mr. Czerr stated if those people had a six inch pipe, it would be able to handle the storm water. Mr. Wasosky stated it could not be handled with a six inch pipe.

Mayor Nehez interjected and explained it's not about whose fault it was, but how to address the problem. He questioned how much of the pavement could potentially crack if the State grinded it. Mr. Wasosky replied that he couldn't determine that. Mr. Vojtush asked, even if the catch basin was raised, would that make a difference, because the pipe is still the same size and wouldn't be able to handle the water. Mr. Wasosky replied no, it still wouldn't be able to handle it and the window isn't the primary problem.

Mr. Hipps explained that if there needs to be a pipe under route 8 to handle everything that flows from the east side of town to the west side of town, then the window really doesn't matter because they would replace all of it with it. Mr. Hipps stated the property owner needs to replace the pipe on the property as well, and the Village doesn't want to take on liability from the State. Mayor Nehez requested that if further discussion was desired on this issue, to do it in a work session. Mr. Vojtush stated the State makes rules that we have to follow, and to completely correct the problem, it would be a three million dollar project. Ms. Domzalski stated this topic has been discussed at a work session, and cheaper alternatives were given. If members want to revisit this topic, it can be done in a work session. Ms. Domzalski stated that other potential ideas have been discussed to rectify the situation in a cheaper fashion for the Village.

Mr. Wasosky explained approximately ten years ago, the Village qualified for a fifty percent Issue 2 Grant to double the size of the forty eight inch sewer on Houghton that goes into the stream at Victory and put a forty eight inch line coming up Houghton Road. We could have got the Army Corps of Engineers approval and enclose the ditch. Mr. Wasosky stated, however, the rules are must stricter now and we wouldn't get the approval. The chances of getting approval to replace it across the Service Department existing forty eight inch pipe with two forty eight inch pipes that tie into the four by ten sewer and the ditch behind Theus's property and enclose that are minute. The Corps isn't giving approval to enclose ditches anymore; they want open streams. Mr. Wasosky explained it would then go from the west side of the Route 8 shopping center and be replaced with another two forty eight inch or another four by ten all the way across the road to the other side of the road to the plaza. Mr. Bryan stated when Mr. Wasosky was talking about the grant, it had to be matched by the Village in the amount of four hundred thousand dollars. The Village did not have the money for the match at that time, and the grant was turned down.

Mr. Wasosky stated there would still be problems on the property if the Village's pipe were replaced, because the property is so low and there's no lip between the parking lot and sidewalk in front of the building. In contrast, the stores on Beech have a six inch curb and didn't flood because the waters run off of the curb and down the street. The trench drains on the property need to be cleaned out regularly, so part of the problem is the lack of maintenance on the part of the property owner. Mr. Czerr stated that the street taking on overflow from the curb didn't help it anyway. Mayor Nehez suggested moving on. Mr. Czerr asked about scheduling a work session for this issue. Mayor Nehez replied that it was up to Council. No one on Council was interested in scheduling a work session. Mayor Nehez then indicated that he was moving on with the Agenda.

**Law Director, Brad Bryan** – Mr. Bryan stated that the Overlay District Project public meeting is scheduled for next Wednesday February 21, 2018 at 6:30 pm here at Village Hall. Mr. Bryan related he spoke with Rita McMahon, and the graphics are done. She is pleased with the results and is looking forward to the presentation next week. Mr. Bryan stated notices went out to all the residential property owners on the affected streets that are within five houses from the commercial properties and to all of the affected business owners. Mr. Bryan stated most people that contacted him made positive comments. There have been a couple concerns from residents who called thinking they would be forced to sell their property. Once the proposal was explained, they understood. Many people said they are coming to the meeting and will have an open mind about things. Everyone was polite and appreciative of the communication.

Mr. Bryan stated he was notified by Summit County Council that an additional \$5 fee went into effect in January for anyone registering a vehicle in the County. That fee increase will go toward County road and bridge repair projects.

Mr. Bryan stated there is a phone scam going on in Summit County where unknown individuals are calling residents and leaving messages saying they are from Summit County threatening to serve legal documents and garnish wages if people don't pay. They are trying to get people to pay money to them over the phone. When people call back, they get a receptionist who transfers them to someone who is supposedly an attorney who refers to a fictitious case number that is in the same form as a Summit County Common Pleas Court case number. These matters are being investigated by the FBI and Summit County Prosecutors Office.

Mr. Bryan stated the City of Tallmadge is offering a free Sunshine Law seminar on Wednesday March 7, 2018 from 9am till 12:15 at Tallmadge City Hall. All public officials are invited. Pre-registration is required.

## **DEPARTMENT HEADS:**

### **Police Department, Chief John Zolcus** – Report Attached

Ms. Domzalski stated she thinks the one cent per pound from the presentation given earlier by Simple Recycling should go towards the police dog food fund. Mr. Bryan stated based upon the projections provided by Mr. Wilk, the Village should expect to receive around two hundred dollars a month.

**Fire Department, Lt. Zemek** – No report.

**Service Department, Jason Walters** – Mr. Walters will be at the next regularly scheduled Council Meeting.

## **REPORTS OF THE MUNICIPAL BOARDS AND COMMISSIONS:**

**Planning Commission, Mr. Hipps** – No report.

Mayor Nehez asked the Council President, Mr. Magistrelli, if there was anything that he needed to address. Mr. Magistrelli stated he made the Council Committee assignments, and everything will be put in the mailboxes. Committee Chairs should speak to their department heads prior to the next meeting on February 28, 2018.

**Recreation Board, Mayor Nehez** – Mayor Nehez reported the Recreation Board will meet on Thursday March 1, 2018 at 6:30pm to discuss Easter events.

**Cemetery Board, Mr. Magistrelli** – No report.

## **REPORTS OF THE STANDING COMMITTEES:**

**Finance, Mr. Magistrelli** – No report.

Ms. Noack asked about the time of the upcoming Finance meeting on February 28, 2018. Mr. Magistrelli replied it will be at 6:30 p.m.

**Roads/Public Works, Mr. Czerr** – Mr. Czerr questioned what the Village was going to do to help the people that were having the flooding issue because it wasn't clear to him. Mayor Nehez stated before Mr. Czerr was a Councilmember, there were many discussions regarding that area. Mayor Nehez stated those discussions will continue. Mr. Wasosky stated the problem is not affordable to solve by the Village at this time. Mr. Wasosky stated the building is occupied by renters, and the building should have never been built so low in a hole without adequate drainage. Mr. Wasosky stated it is not worth spending a good amount of Village assets for an owner who had a good part in creating the problem. Mayor Nehez stated the Village has considered buying the property but the problem with that is then anyone else that has a problem will expect the Village to buy their property as well. Mr. Wasosky agreed with that statement, He advised he has ran into that problem before in Brookpark. There, they recommended buying the whole street because it was cheaper to buy everyone out than to fix the problem. Mr. Vojtush asked if the landlords could add a curb to alleviate the flooding problem. Mr. Wasosky stated when the building was being sold, they spoke with the owner and told him he needed to hire an engineer and get advice on a solution. The owner never did so and let it die out. Mr. Wasosky stated that the Village's sewer system has been undersized since 1940. This issue is nothing new, and the building has always had the problem.

Mr. Hipps explained the property owner isn't doing anything to mitigate the issue, and he hopes in five years, a new building with retail up to current standards will be built there with a proper drainage system and parking lot. Mr. Hipps stated the only way to make it up to code is to tear it down. He hopes that's what this Overlay District does for the corridor, and it will encourage properties to be built up to modern codes and modern convenience levels. In this case, the current property owner isn't doing anything to mitigate the current situation. Mr. Czerr stated the State and Village need to mitigate the catch basin window on Route 8 and then require the property owner to put in a six inch pipe. We should start somewhere. Ms. Domzalski stated she would start by giving the tenants the landlord's number, because she wants to know what the landlord is doing first and then go from there on how to rectify the situation. The landlord needs to be held accountable.

**Health and Welfare, Ms. Noack** – No report.

**Wages and Working Conditions, Mr. Vojtush** – No report.

**Fire and Safety, Ms. Domzalski** – No report.

**Buildings and Grounds, Mr. Hipps** – No report.

**LEGISLATION:**

**2018-09** – An Emergency Ordinance Establishing Section 1268.12 of the Planning and Zoning Code Relating to Prohibited Window Frame Lighting in B-1, B-2, and B-3 Districts (Third Reading) A motion for passage was made by Mr. Magistrelli and seconded by Mr. Vojtush. All were in favor of passage, none opposed. The Ordinance was adopted.

**2018-13** – An Emergency Resolution Authorizing the Mayor to Enter into a New Collective Bargaining Agreement with the OPBA Relating to the Police Lieutenant (First Reading)  
A motion to suspend the three reading rule was made by Mr. Vojtush and seconded by Ms. Domzalski. All were in favor of the motion; none were opposed. A motion for passage was made by Mr. Vojtush and seconded by Mr. Magistrelli. Ms. Noack asked if the Lieutenant is planning on retiring and whether this contract would apply to the upcoming Lieutenant. Mr. Bryan explained that this contract is retroactive to the beginning of the year and is a three year contract. It applies for that time period to whoever is in the Lieutenant's position. All were in favor of passage; none opposed. The Resolution was adopted.

**2018-14** – An Emergency Resolution Authorizing the Director of Finance to Transfer Funds Representing Uncashed Mayor's Court Refund Checks to the Village's Unclaimed Fund (First Reading) A motion to suspend the three reading rule was made by Mr. Magistrelli and seconded by Ms. Noack. All were in favor of the motion; none were opposed. A motion for passage was made by Ms. Noack and seconded by Mr. Magistrelli. All were in favor of passage, none opposed. The Resolution was adopted.

**2018-15** – An Emergency Resolution Authorizing Certain Amendments to the 2018 Appropriation Resolution and/or Transferring Items Already Appropriated in that Resolution (First Reading) A motion to suspend the three reading rule was made by Mr. Magistrelli and seconded by Ms. Noack. All were in favor of the motion; none were opposed. A motion for passage was made by Ms. Noack and seconded by Mr. Magistrelli. All were in favor, none opposed. The Resolution was adopted.

**OLD BUSINESS; NEW BUSINESS; ANNOUNCEMENTS:**

Ms. Ingrassia stated she needed to schedule budget meetings. Ms. Ingrassia stated she would start with Police and Fire, and if possible, start before the Finance Committee Meeting on February 28, 2018. They could then come up with a time for Mr. Walters. Ms. Domzalski suggested a Budget meeting at 6:00 on February 28, 2018.

Ms. Noack reminded everyone of the Blood Drive on February 24, 2018.

**ADJOURNMENT:** A motion to adjourn was made by Ms. Domzalski and seconded by Ms. Noack. All were in favor of adjournment, none opposed. The Meeting adjourned at 9:10p.m.

Respectfully submitted by:

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Tricia Ingrassia, Clerk of Council